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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/018,095 | 05/01/2002 | Richard C. Walker | 110273.500US1 | 4517 |
| 24395 7590 01/04/2007 WILMER CUTLER PICKERING HALE AND DORR LLP 1875 PENNSYLVANIA AVE., NW WASHINGTON, DC 20004 | | | EXAMINER FISHER, MICHAEL J | |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3629 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 31 DAYS | 01/04/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 31 DAYS from 01/04/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/018,095 | WALKER, RICHARD C. | |
| | Examiner | Art Unit | |
| | Michael J. Fisher | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-76 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Note: There are two claims 74, as such, the second claim 74 will be considered to be claim 75 and currently numbered claim 75 will be claim 76. Any response to this action must have the claims properly numbered.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 1,3-32, 34-36,75 drawn to invention 1, classified in class 705, subclass 7.
- II. Claims 2-32,34-36 and 75, drawn to invention 2, classified in class 705, subclass 7.
- III. Claims 33,75 and 76, drawn to invention 3, classified in class 705, subclass 9.
- IV. Claims 37,39-49,53,64,67,68,70,72 and 75, drawn to invention 4, classified in class 705, subclass 1.
- V. Claims 38,75, drawn to invention 5, classified in class 700, subclass 1.
- VI. Claims 50,75 drawn to invention 6, classified in class 700, subclass 9.

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- VII. Claims 51,74,75,76 drawn to invention 7, classified in class 53, subclass 136.3.
- VIII. Claims 52,74,75, drawn to invention 8, classified in class 700, subclass 11.
- IX. Claims 54,75, drawn to invention 9, classified in class 700, subclass 1.
- X. Claims 55,75, drawn to invention 10, classified in class 705, subclass 10.
- XI. Claims 56,75, drawn to invention 11, classified in class 707, subclass 10.
- XII. Claims 57,75, drawn to invention 12, classified in class 705, subclass 1.
- XIII. Claims 58,75, drawn to invention 13, classified in class 705, subclass 1.
- XIV. Claims 59,75, drawn to invention 14, classified in class 705, subclass 1.
- XV. Claims 62,75 drawn to invention 15, classified in class 700, subclass 3.
- XVI. Claims 63,75, drawn to invention 16, classified in class 700, subclass 2.
- XVII. Claims 65,75, drawn to invention 17, classified in class 700, subclass 11.
- XVIII. Claims 66,75, drawn to invention 18, classified in class 705, subclass 1.
- XIX. Claims 69,75, drawn to invention 19, classified in class 717, subclass 120.
- XX. Claims 71,75, drawn to invention 20, classified in class 701, subclass 2.
- XXI. Claims 73,75, drawn to invention 21, classified in class 700, subclass 9.
- XXII. Claims 74,75, drawn to invention 22, classified in class 700, subclass 9.

The inventions listed as Inventions 1-22 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

In the instant case, the two apparent primary independent claims, 1,2, are directed toward a method of managing equipment and a security system for equipment, respectively. Independent claims, 33,37, appear to be directed toward one mechanism used in the first two independent claims but as there is no structure, this is unclear. The further claims appear to be meant to depend from these claims as they are directed toward wildly diverging subject matter such as a seal for keeping out moisture and a router for multiple computer networks.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Irah Donner on 12/19 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Note: In the interests of compact prosecution the examiner would offer some observations.

Many of the later independent claims appear to be only preamble and thus, would be rejected under statutes such as 35 USC 112 or 101, as they are not in proper form. For instance, Claim 51 appears to be directed toward an apparatus (system claim) but does not claim structure merely purpose. Claims 33 and 37 also have such a problem but the wording of claims 33, 37 makes it unclear if they are directed toward a

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method or system. Claims 75 and 76 are multiply dependent and must be amended to depend from the independent claim chosen to avoid any issues under 35 USC 112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner
GAU 3629

MF 
12/19/06